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09/501,169	02/09/2000	William T. Carden Jr.	35672-164254	3485

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EXAMINER

HILLERY, NATHAN

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 07/25/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/501,169

Applicant(s)

CARDEN JR., WILLIAM T. 

Examiner

Nathan Hillery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: application filed on 02/09/00 and nonprovisional application filed on 02/09/99.
2. Claims 1-24 are pending in the case. Claims 1, 13, and 17 are independent claims.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "1100" has been used to designate both a plurality of networked computer clients and a step. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "21000" in Figure 2 mentioned in line 17 of page 7; "1000" in Figure 3 mentioned in lines 24 – 25 of page 7; "1110", "1100", "1120", "1130", "1140", "1150", "1160", "1170", and "1190" in Figure 3 mentioned in lines 25 – 33 of page 7; "300" in Figure 8 mentioned in line 15 of page 16. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "1475" of Figure 5(c); "1938" of Figure 5(e); "1962" and "1966" of Figure 5(f); "716",

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"724", "725", and "728" of Figure 7(b); "751", "757", "758", "759", and "760" of Figure 7(d). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the sixth, seventh, and eighth code segments. Claim 23 recites a ninth code segment without a sixth, seventh, or eighth code segment which renders the claim indefinite. There is no way of inferring what should be placed in between the gap. As a result, dependent claim 24 is rejected for fully incorporating the deficiencies of its base claim.

9. Claims 17 – 24 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See

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MPEP § 2172.01. The omitted structural cooperative relationships are: between the code segments and the system. The code is not tied in to the system nor is it implemented. If part of the program is not executing on the system, then where is it running? As a result, dependent claim 19, the only claim within the series not defining a new code segment, is rejected for fully incorporating the deficiencies of its base claim.

10. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 12 recites the limitation "said browser" in the last line of claim 12. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1 – 5 and 8 - 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Myers et al. (US006374274B1).

14. **Regarding independent claim 1**, Myers et al. discloses a "publishing system ..." comprising a "database ...", a "plurality of computers ...", and a "network ..." or a *network database system wherein clients of subscribing entities are authorized network*

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*access to reliable documents* (see Abstract and Fig. 1). Myers et al. teaches said system also comprising a “submitting means ...”, a “reviewing means ...”, a “relating means ...”, and a “publishing means ...” that performs. Read Col. 3, lines 4 and 5; Col. 7, lines 23 – 43; Col. 4, lines 2 – 5; Col. 1, lines 18 – 33, Col 4, lines 54 – 57; respectively, in which Myers et al. discloses *receiving and processing data from a provider*, which is the same as “submitting a new document”. Myers et al. also discloses that *anything that is stored in the practitioner/client database(s) can be displayed on the document pages* (Col. 7, lines 41 – 42), which is the same as the “reviewing means ...”. Further disclosed is a *plurality of document files* in which *map files define links to related documents* (Col. 4, lines 2 – 5), which is the same as having a “relating means”. Myers et al. also discloses a “publishing means ...” in Col. 1, lines 18 – 22; *one application of information retrieval systems is to provide (by display, printing, or other appropriate means) a collection of documents that is directed to a particular field, so that a particular set of authorized users can select and retrieve a desired portion of the collection.*

15. **Regarding dependent claims 2 and 3**, Myers et al. teaches a system as stated above that has a “web server ...” and “plurality of clients ...” each having a “browser ...”. (see Figure 1; read Col. 6, lines 35 – 40).

16. **Regarding dependent claim 8**, Myers et al. teaches a system described above that has a “server ...” with “searching means ...” or *a suitable primary server can be implemented with the server computer running MICROSOFT SQL SERVER 6.5* (Col. 3, lines 53 – 68). (read also Col.6, lines 48 – 51).

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17. **Regarding dependent claims 4, 5, and 9**, Myers et al. teaches a system as described above that has a "submitting means ..." that comprises "translating" from a "native word processor format" to a "format compatible" to a "browser" specifically a "hypertext mark-up language (HTML) format". (read Columns 4 - 5).

18. **Regarding dependent claims 10 - 12**, Myers et al. teaches a system as previously described "comprising a removable medium" that stores the "database", has a "searching means", and has a "communicating means" with the "server". (read Col. 3, lines 43 - 53). Claim 10 specifically incorporates similar subject matter as claim 8 and is partially rejected along that rationale. Further, according to the Tiscali Reference <http://www.tiscali.co.uk/reference/dictionaries/computers/data/m0045454.html>, "browser" is defined as *any program that allows the user to search for and view data*. Thus, the program used for "communicating" between the "removable medium" and "server" is a "browser".

### ***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 6, 7, 13 - 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al. (US006374274B1) as applied to claims 1 - 5 above, and further in view of Alam et al. (US006336124B1).

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21. **Regarding dependent claims 6 and 7**, Myers et al. fails to teach “translating means” from HTML, “second data format”, to “a third data format” specifically “a conventional typesetting format” or “conventional page layout format”. However, Alam et al. does teach *a computer implemented method of converting a document in an input format to a document in a different output format* (see Abstract). For more details see Col. 23, lines 30-39. Alam et al also explains a “conventional page layout format” as disclosed in Col. 25, lines 25 – 56. It would have been obvious to one with ordinary skill in the art at the time of the invention to combine Alam et al. with Myers et al. because such a combination would give added flexibility to subscribers, thereby allowing them to publish articles in other formats for their authorized network clients.

22. **Regarding independent claims 13 and 17**, the claims incorporate substantially similar subject matter as claim 7, and are rejected along the same rationale.

23. **Regarding dependent claims 14, 15 and 18**, the claims incorporate substantially similar subject matter as claim 7, and are rejected along the same rationale.

24. Claims 16, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al. (US006374274B1) and Alam et al. (US006336124B1) as applied to claims 13 and 17 above, and further in view of Ivanov (US005706452A).

25. **Regarding independent claim 16**, neither Myers et al. or Alam et al. teach “assigning a reviewer to review said document ...” and “notifying said reviewer through said network that said new document is available for review”. However, Ivanov discloses that the *workflow manager* of Fig. 2 uses *global variables in order to assign*



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*reviewers from a pool.* (Col. 33, lines 11 – 18) Ivanov also teaches that *documents to be reviewed are prepared by a set of preparers, and are stored into a database and a set of reviewers is notified that the document is ready for their review ... via electronic mail.* (Abstract) Ivanov discloses the network used to notify reviewers in Col. 7, lines 23 – 67 and Col. 8, lines 1 – 8. Ivanov also discloses that the invention *allows concurrent access to shared data from a multitude of locations.* (Col.5, lines 19 – 20) It would have been obvious to one with ordinary skill in the art at the time of the invention to combine Ivanov with Alam et al. and Myers et al. because such a combination would *allow one to define efficient document evaluation strategies that take advantage of the inherent parallelism within a business process.* (Abstract) Col 1, lines 60 – 67 provide further motivation.

26. **Regarding dependent claim 19**, it would have been obvious to one skilled in the art to have the journal “published in advance” for a peer review session.

27. **Regarding independent claim 23**, Myers et al. teaches a system that has a “server ...” with “searching means ...” or *a suitable primary server can be implemented with the server computer running MICROSOFT SQL SERVER 6.5* (Col 3, lines 53 - 68).

28. Claims 20 – 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al. (US006374274B1) and Alam et al. (US006336124B1) as applied to claim 17 above, and further in view of DeLorme et al. (US005948040A).

29. **Regarding dependent claims 20 – 22 and 24**, Alam et al. and Myers et al. fail to teach ways “to facilitate access ...”, “for making reservations ...”, “for registering ...”, “for reserving one or more breaks ... a room ... transportation ...”, or “planning an

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itinerary ...". However, DeLorme et al. discloses a *computerized travel reservation information and planning system* that provides *searches of events calendars, almanacs, appointment books, related itinerary scheduling ...* This system also provides *users to engage in an iterative planning process, revising or editing travel plans, previewing travel logs of alternative routes, and comparing times and costs of transportation options.* (Abstract) Further, a myriad of features would be possible add-ons to *Travel Reservation and Information Planning Systems* as disclosed in Col. 1, lines 32 – 37. It would have been obvious to one with ordinary skill in the art at the time of the invention to combine DeLorme et al. with Alam et al. and Myers et al. because such a combination would allow the remote clients to interface more personally with the providers and editors within the organization.

### **Conclusion**

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hobbs            US005987454A            patented(Nov 16, 1999)            filed(Jun 9, 1997)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Hillery whose telephone number is (703) 305-4502. The examiner can normally be reached on 9 - 5:30; Mon - Fri.

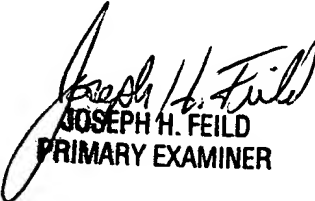
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703) 305-9792. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

NH  
July 21, 2003

  
JOSEPH H. FEILD  
PRIMARY EXAMINER